

Florence, New Jersey 08518-2323
June 27, 2017

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Mildred Hamilton-Wood
James Molimock
Mayor Craig Wilkie
Jane Collins, Alt. #2

Thomas McCue
Wayne Morris
Council Representative Ted Lovenduski
Russell MacArthur, Alt. #1 (arrived 7:47 p.m.)

ABSENT: Ray Montgomery

ALSO PRESENT: Solicitor David Frank
Planner Barbara Fegley
Engineer Hugh Dougherty

RESOLUTIONS

There were no resolutions.

MINUTES

It was the Motion of Molimock, seconded by Lovenduski to approve the Minutes of the Regular meetings of April 25, 2017 and May 23, 2017. Motion unanimously approved by all those present.

CORRESPONDENCE

- A. Letter received May 24, 2017 from US Home Corporation (Lennar) regarding their application for a permit or approval to the NJ Department of Environmental Protection (NJDEP).
- B. Letter received May 30, 2017 from the Burlington County Planning Board regarding 500 Cedar Lane, LLC subdivision.

It was the Motion of Lovenduski, seconded by Morris to receive and file Correspondence A and B. Motion unanimously approved by all those present.

APPLICATIONS**A. Application PB#2017-01 for Wawa, Inc. requesting extension of approvals of application PB#2015-04 to construct new trash enclosure on for property located at 2060 Route 130, Florence Township, Block 163.02, Lot 13.**

Duncan Prime from the firm of Prime Law spoke on behalf of the applicant, Wawa, Inc., in reference to their request for an extension of their amended final site plan approval done in August 2015. Wawa, Inc. is looking to not change what was approved; they are simply looking for a 1-year extension as they are entitled to under the New Jersey Municipal Land Use Law (NJMLUL). The reason for requesting the extension is that Wawa had 150 to 200 stores approved for these external trash enclosures and their construction department simply has a large workload to complete all the enclosures. This Wawa is on the list, but they don't know if it will be complete by this August so they are requesting the extension. Chairperson Hamilton-Wood asked if Mr. Prime had any idea of the time frame of when it would be completed. Mr. Prime stated they hope to have it done within the year extension they are asking for and stated they are entitled to three 1-year extensions; however, he does not anticipate needing to request another extension.

Being there were no questions or concerns of the Board, it was the Motion of Molimock, seconded by Lovenduski to open for public comment. Motion unanimously approved by all those present. Seeing no one wishing to be heard, it was the Motion of Lovenduski, seconded by Molimock to close public comment. Motion unanimously approved by all those present.

It was the Motion of Morris, seconded by Molimock to approve a 1-year extension for the trash enclosure that was previously approved in August 2015 with no changes to that original approval.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Morris, Molimock, Lovenduski, Wilkie, McCue, Collins
 NOES: None
 ABSTAIN: None
 ABSENT: Montgomery

B. Application PB#2017-02 for Geopeak Energy, LLC for amended preliminary and final major site plan to construct two solar arrays on Burlington Coat Factory Warehouse property located at 1830 Route 130 North, Florence Township, Block 160.01, Lot 1.01.

Duncan Prime from the firm of Prime Law spoke on behalf of the applicant, Geopeak Energy, LLC. Mr. Prime asked Solicitor Frank to mark their first exhibit as A-1 which was an aerial view of the site prepared by Stires Associates, dated 4/20/17. Mr. Prime introduced witnesses for Geopeak Energy; Robert V. Kiser, a licensed professional engineer, and Adanan Javan (AJ), partner of Geopeak Energy who oversees the design of solar and is NABCEP (North American Board of Clean Energy Practitioners) certified. Both were sworn in by Solicitor Frank as expert witnesses.

Mr. Prime stated currently on-site of the proposed application is a large building being utilized as a Burlington Coat Factory distribution center warehouse. He stated they are

here tonight with an application for preliminary and final major site plan approval to construct a ground-mounted solar array to be located behind the rear parking lot setback approximately 125 feet from the property line. For the Board's reference, we have also proposed a second solar array on this site. That array is located entirely within Burlington Township. An application was made to the Burlington Township Planning Board which was heard on 6/8/17 and approved. The portion of the property in Florence Township is located within the township's Highway Commercial (HC) zoning district and also is subject to a Redevelopment Plan of the Route 130 Corridor. The proposed ground-mounted solar use is not only an expressive permitted use for within that zone, it is also considered an inherently beneficial use under the NJMLUL. As you will know from our plan, as well as our submitted application documents, there is one variance requested for a side yard setback. You'll hear testimony shortly that we have reconfigured the plan slightly so they are eliminating that side yard setback variance. That leaves us with a completely conforming plan to the township's ordinance. There were questions in the Board's Professionals review letters regarding the operations relating to the safety of the solar array and Mr. Kiser and Mr. Javan will be able to answer those questions.

Mr. Javan stated the solar array would be installed on the property south of the headquarters building on the Florence Township side. The original plan submitted with the application shows an opening between solar arrays and is to the edge of the property and we were asking for a side setback variance, but we've changed the design to incorporate those modules to the center for the 25-foot setback and bring them into the center and eliminating the need for the variance. There will now be an opening at the property line and it is 25 feet. There is a fence line past it, but none of the solar array components will be installed past the 25-foot line. Chairperson Hamilton-Wood asked for clarification that there is 25 feet and if that 25 feet is split by a fence? Mr. Javan stated the fence is 15 feet from the solar array, and 10 feet from the property line.

Mr. Javan explained the size of the solar project actually to be installed on the Florence Township side of the property will be supplying power to the headquarters in the amount of 2.03 megawatts, or 2030 kilowatts. It will also supply 578.8 kilowatts PC to the Burlington building. The amount the solar that will be produced will provide 74% of the headquarters side annual usage of electricity, so it will be a very green building. And 14% of the Burlington warehouse building will be supplied from the smaller array that's installed on the Florence Township side. The Florence Township array plus the Burlington Township array that will be installed on the Burlington Township side basin, which is already approved, will produce approximately 48% of their energy needs on the Burlington warehouse site.

Mr. Javan continued by stating construction will not touch any of the trees on the south side of the array at all. All the access ways will be left open to the existing storm water detention. There will be accessibility from both sides and the solar array area will be fenced in, and they are proposing a decorative black aluminum fence on the side that faces the parking lot. There will be a couple of access gates to the solar arrays. The remainder of the fence will be chain link.

Mr. Javan stated they will address all the different questions from the professionals' reports as well as what the Board may have; this is just an overview of the project. All the power generated will be used by the customer and connected to their existing electrical

infrastructure. There will be no wires run to the street or connected to PSE&G. It will not be sold on the grid; it is not a solar farm.

Member Morris asked what is underneath the solar panels to support it and does that affect the impervious surface coverage? Mr. Javan stated that it does not affect the impervious surface coverage. He stated the solar panels themselves are as big as one of these tables and there is an opening between every panel that is approximately $\frac{3}{4}$ " so all rainwater will pass through. Member Morris asked if underneath is to be stoned based? Mr. Javan stated it will be all grass; low maintenance grass and grass that will be able to be mowed. Chairperson Hamilton-Wood asked what the panels mount on? Is there a concrete base? Mr. Javan stated it is a pile driven system and there is no concrete.

Robert Kiser was the next expert witness to speak. Mr. Kiser is a 1974 graduate of Lafayette College and worked as the Director of Engineering for Princeton for 33 years. For the last 9 months, he has been helping out a civil engineering firm used for the solar panel arrays. Mr. Kiser is a licensed professional engineer as well as a licensed professional planner. He explained that this particular site is a 38-acre site. As was indicated earlier, the panels are to be installed behind the Burlington Coat Factory headquarters, which will be an excellent location because the panels will be installed between the parking lot and the storm water retention basin. There is a buffer of trees to the rear of that area which varies from 40 feet wide to 100 feet wide. To the west, there is a berm that is there right now that is 8 to 9 feet high between the Burlington Coat Factory warehouse property and the headquarters that acts as a buffer. Also indicated earlier, the power from these solar panels will be supplied to the warehouse as well as the headquarters; approximately $\frac{1}{3}$ will be to the warehouse and $\frac{2}{3}$ to the headquarters.

Member MacArthur arrived at 7:47 p.m.

Mr. Kiser discussed one of the questions in Engineer Dougherty's report which was regarding the line weights of the solar panels on the plans that were provided which were intended to indicate the power from those particular panels that's being generated for the warehouse property. It was colored but came out fainter than they would have liked them to be and that's the reason it was indicated that way. On the overlay here tonight, it is clearer where you can see the blue panels to this location and these blue panels over to the warehouse. For the record, the overlay was marked as Exhibit 2 by Solicitor Frank.

Engineer Dougherty pointed out that with the shading on the original plans, it did appear as phase 1 and phase 2, but the reason for the difference has now be explained and clarified. He did mention that he did not receive a revised set of plans that would show this new configuration without setback variances so that would be something that would be a condition of approval. Mr. Prime stated they did not submit them yet and what is here tonight is for the purposes of the exhibit to demonstrate that they can conform to the ordinance, and the revised plans will be submitted as a condition of approval for conformance.

Mr. Prime asked Mr. Kiser to start with Engineer Dougherty's report and address the concerns listed. Mr. Kiser stated that all items requested in the report will be provided conditioned upon approval. Mr. Javan answered the question in the report regarding Renewable Energy [Section IV (B)] and being compliant with Section 91 of Florence

Township Code. He stated that the system will comply with the ordinance in regards to noise. In regards to the signage, the system will have the signage for electrical, safety and other requirements by the code. And all the manufacturer's labeling will be on all the equipment. The exposed hardware, structuring support, etc. is all galvanized so it is already non-reflective and the solar panels themselves actually have a non-reflective coating on them. Engineer Dougherty said that those details haven't been provided to him yet but will be as conditions upon approval. He also pointed out that our ordinance is a little bit contradictory because we can't be more stringent than what the state allows; however, the applicant has agreed to our ordinance.

Mr. Prime then referred to Planner Fegley's report on page 3, item 3 regarding requesting a waiver from providing a "Request for Certified List of Property Owners Form". He wasn't sure if they did ask for that waiver, but if they did, they are withdrawing that request because they did use a current property owners list dated March 16, 2017 that was submitted with this application in May 2017. Mr. Prime stated his applicant will agree to all the comments noted in the report in regards to the Application Requirements (1-11). Mr. Javan stated that in regards to #7 requiring a copy of the application to the local utility for interconnection, once they have the approval they can submit that to the local utility. Planner Fegley commented that it is required that the Site Plan depict the location of all components of the system, including the substation and transformers, which do not appear on this site plan and asked is there are any? Mr. Javan stated that there will be one transformer on site and it does not trigger a side setback variance at all.

Mr. Prime asked while Mr. Javan had the microphone to please comment on #13 on page 5 regarding the mulched planting beds. Mr. Javan stated that they would rather not have the landing beds with mulch inside the facility because of water. He also commented on #11 on the shading of the solar panels from the trees. He stated that they won't be shaded because the trees will be far enough away to not shade the solar panels; the solar panels would be useless if shaded. He stated the solar panels are low and only have a tilt of 10 degrees as opposed to a lot of the solar farms which are 25-degree tilt. This is a very low-profile system and these will only be 6 feet high as opposed to 10 to 11 feet high.

Planner Fegley asked them to clarify the two different quantities listed on the site plan regarding the planting of trees; should it be 225 or 255? Mr. Kiser stated they agreed to the 255 with the exception that some of the shrubs may have to be eliminated where the gates will be located. He stated that it was suggested that a gate be installed in a particular location and that gate is currently shown on the overlay. Discussion took place regarding access to the solar array with Mr. Javan stating that there is an access way that will be on the west side of the solar array. Solicitor Frank asked if that access way is parallel to the array? Mr. Javan stated yes.

Mr. Kiser addressed # 1 regarding the Concept Plan; the Stout Engineering plan dated 7/26/13. In that particular plan, the square footage built on site is 174,506 sq. ft. and that doesn't include the basement area of the headquarters building; including the basement area, it's 218,425 sq. ft. They indicate on that plan that their future construction will be just over 51,000 sq. ft., bringing the total amount of square footage to 270,000 sq. ft. on the site. We took a look at that as it relates to the parking requirements. Parking on site is currently 826 parking spaces. With the future build out to the 270,000 sq. ft., that would require 772 parking spaces, leaving a net plus of 54 spaces that, theoretically, will be

unused. And, if at some point in the future, Burlington Coat Factory decides to add an additional extension, there's 54 spaces that translates into 18,900 sq. ft. of additional space. From our standpoint, there appears to be sufficient parking on site for not only what's there now but also be able to provide for another 18,900 sq. ft. if and when Burlington Coat Factory decides to pursue additional space.

Chairperson Hamilton-Wood commented to Planner Fegley that it is very unlike this Board to have all this parking planned in the 2013 plans and asked if the building size had changed at some point and time? She stated that we usually don't plan more paving than needed. Planner Fegley said she had gone through the old files to figure it out and even the memorialized resolution talks about this phantomized parking spaces, and she didn't know at some point if they decided to just build all the parking or what. Chairperson Hamilton-Wood again stated usually the Board is very careful about putting in only what is absolutely necessary for the impervious coverage. Planner Fegley could not find anything in her notes but thought possibly if they had intended a future expansion, they planned for the parking and built for it ahead of time.

Mr. Kiser addressed #2 in regards to the concern of trees and shrubs. He stated that 3 trees are to be removed for the installation of the solar arrays and there are sufficient trees to comply with the ordinance that there should be 2 trees for every 10 parking spaces. On that lot, there are 103 parking spaces and there are currently 24 trees minus the 3 trees that will be removed leaving 21 trees. The 21 remaining trees are enough to comply with the ordinance. Planner Fegley stated he earlier said 826 parking spaces. Mr. Kiser stated he is speaking of this particular parking area. Chairperson Hamilton-Wood and Planner Fegley stated that they don't think he can narrow it down by a certain area. Mr. Kiser stated there are trees on the western side, which are smaller trees 10 to 15 feet high and it looks like they were planted not too long ago. Most of those trees will remain untouched. There will be some that will be disturbed. Planner Fegley said that with the plans she received her concern was in a certain area and thought there may be a shortage of trees in the parking lot and what they did was put them in another area. Mr. Javan stated they are more than willing to work with the professionals and will replace in kind any trees and will submit a plan to Planner Fegley showing that.

Mr. Javan stated that there is one point of clarification he wanted to point out. On the first page of Planner Fegley's letter, it states that the solar arrays will supply a total of 1.58 mW DC of power to the Florence facility; but, it is actually 2060 DC to the Florence facility and the portion that will be going to the Burlington warehouse is 587 kW DC. Mr. Prime stated they can provide a statement for the resolution if Solicitor Frank would like. Solicitor Frank stated he would like that statement.

Planner Fegley pointed out in her report under Variances and Waivers, she found that supplemental plantings or a variance may be required regarding planted buffers surrounding the solar arrays. She asked if this will now not be needed because of their new reconfigured plan? Mr. Kiser stated that in addition to the 25' setback and a corridor for access, there is a berm that is 8 to 9 feet high that provides a solid buffer between the solar panels and the adjacent property in Burlington Township that is also owned by Burlington Coat Factory. Planner Fegley stated the ordinance talks about a planted buffer and if not, it would be a variance. The berm starts in Florence Township and goes into Burlington Township; it is on the property line. Chairperson Hamilton-Wood stated that if

it is in Burlington Township, it can't be considered existing. It appears that the majority of the berm is in Burlington Township with a portion of it in Florence Township. Mr. Prime stated that if it is a technical variance that is required, then they would request that with the justification that it is existing on the site, and the two sites operate as one site. Chairperson Hamilton-Wood clarified that they are testifying that their approvals from Burlington Township did not change any of the existing approvals. Mr. Prime stated it did not.

Planner Fegley wanted to clarify that the neighboring residences would not be able to see the solar arrays. Mr. Javan showed an exhibit (marked in as #3) which was a color rendering of a berm dated 4/20/17 and another exhibit (marked in as #4) which is from Manor Drive looking northeast towards the headquarters facility which shows a lot of evergreen trees. They looked at the existing trees and buffer, which is pretty dense, now and in the winter. Chairperson Hamilton-Wood asked if they had a picture from the winter. Mr. Javan stated they did not and said that if the concern is Manor Drive, as part of the previous approval, the buffer was initially installed for that reason and will continue to exist and not be disturbed. Geopeak will work with Planner Fegley regarding the trees in the corner and put trees where required. Chairperson Hamilton-Wood asked Planner Fegley if she was comfortable with the renderings and explanation. Planner Fegley stated that with the overlay they are showing, some of the trees get lost but we will work that out. Mr. Prime stated all items that are needed will be provided.

Seeing no other questions from the Board, it was the Motion of Lovenduski, seconded by Molimock to open for public comment. Motion unanimously approved by all those present.

Seeing no member of the public wishing to be heard, it was the Motion of Lovenduski, seconded by Morris to close public comment. Motion unanimously approved by all those present.

Chairperson Hamilton-Wood said at this point, we are looking for a motion to approve this application conditioned upon receipt of the revised plans. Solicitor Frank continued with it also being conditioned upon all required items listed in Board Engineer's and Board Planner's letters, with the exception of #13 on page 5 of Planner Fegley's letter. It will also be clarified that the applicant will be providing 255 shrubs along the border minus a couple for the gate area, will work with the Board Planner to replace in kind all trees required under prior approvals that are being disturbed by this application, and also work with the Board Planner in regards to ensure the existing buffer at the rear of the property is adequate to provide the necessary visual screen to the residential properties. He continued that the applicant deleted their side yard setback variance for the arrays themselves on the Burlington Township side yard setback, but they still do technically need a variance from the 25' wide planted screened buffer along there because they're relying on a berm that's in Burlington Township, even though it is part of the same site.

Engineer Dougherty wanted to clarify that the solar is regulated by the state; they have a code. And one of the things Member Morris had mentioned was in regards to impervious coverage and the definition by the State of New Jersey is that they are not impervious, the panels are essentially pervious because the grass area underneath. If they had a mounting structure that would be concrete based, that could be considered impervious. So, with this

application, there is no additional storm drainage required because there is grass underneath and the water runs off and is absorbed into the ground.

It was the Motion of Molimock, seconded by Morris to approve application PB#2017-02.

Upon roll call the Board voted as follows:

YEAS: Molimock, Morris, Hamilton-Wood, McCue, Lovenduski, Wilkie, Collins

NOES: None

ABSTAIN: None

ABSENT: Montgomery

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT

It was the Motion of Molimock, seconded by Lovenduski to open the meeting up for public comment. Motion unanimously approved by all those present.

Seeing no members of the public wishing to speak, it was the Motion of Morris, seconded by McCue to close public comments. Motion unanimously approved by all those present.

CLOSED SESSION

Mayor Wilkie stated he would like to discuss some ongoing contract negotiations having to do with redevelopment matters and affordable housing matters and location settlement negotiations. Solicitor Frank stated all of which are appropriate subjects for Closed Session. The Board can adopt by voice resolution that would call for a Closed Session for those purposes and the minutes of the Closed Session meeting would be published as soon as the matters are no longer sensitive. Members of the public were asked to leave the room.

It was the Motion of Molimock, seconded by Lovenduski to enter into Closed Session for the purpose to discuss ongoing negotiations. Motion unanimously approved by all those present.

Closed Session began at 8:20 p.m.

Closed Session ended at 8:30 p.m.

It was the Motion of Lovenduski, seconded by Molimock to go back into Open Session. Motion unanimously approved by all those present. Open Session began at 8:31 p.m.

MASTER PLAN REVIEW/DISCUSSION

Planner Fegley stated that the map is still being worked on and she got the JS information from the county and did bring a map if anyone would like to look at it before leaving. It shows preserved farms, open space, parks, etc. She stated she will be getting in touch

with the subcommittee. Surveys were handed out last meeting and none had been returned so she will email it to the members for them to fill out.

In regards to COAH, Mayor Wilkie stated we need to resolve our plan because now without the apartment complex on Railroad Avenue, we are short 100 units. He stated we are negotiating with one objector with the COAH plan who may be able to help resolve the issue.

ADJOURNMENT

It was the Motion of Wilkie, seconded by Morris to adjourn the meeting at 8:34 p.m. Motion unanimously approved by all those present.

WM/kf

Wayne Morris, Secretary